

WS Directive

4.101 1/11/2008

TOURS OF DUTY

1. PURPOSE

In accordance with the Marketing and Regulatory Programs (MRP) policy on Tours of Duty, this directive sets requirements for establishing work schedules and assigning tours of duty to Wildlife Services (WS) employees.

2. REPLACEMENT HIGHLIGHTS

This directive revises WS Directive 4.101, dated 10/02/2006.

3. POLICY

It is WS policy to set tours of duty in accordance with Federal, Departmental, and Agency regulations in a manner that promotes the efficiency of the program, does not impact customer service, and is fair and equitable to employees. To allow maximum flexibility to perform duties and to satisfy legal requirements, Federal WS employees, except intermittent employees, will use the Maxiflex tour of duty. Intermittent employees must be paid overtime for any time spent working beyond 8 hours per day/40 hours per week. Cooperative employees managed under non-Federal personnel systems are subject to tour of duty requirements as established by those systems.

4. DEFINITIONS

a. Compensatory Time. The time off in lieu of overtime pay for regular, irregular or occasional overtime work in excess of 8 hours in a day or 40 hours in a week that is ordered and approved by management in advance of the work being performed. When compensatory time is granted, it is substituted on an hour for hour basis for the amount of regular, irregular or occasional overtime hours worked.

b. Core Hours. Also known as “Core Time Band”, this is the time period during the workday, work week, or pay period that is within the tour of duty during which an employee covered by a flexible work schedule is required by the agency to be present for work unless the employee’s supervisor has granted prior approval to use leave, compensatory time, or to engage in a “core time deviation”.

c. Compensatory Time for Travel (CTOT). An OPM established form of compensatory time that grants time off for travel time that is not otherwise compensable.

d. Core Time Deviation. An absence during Core Hours that is approved by the supervisor and then made up within the same pay period by working an equal number of irregularly scheduled hours within the flexible time band period.

e. Credit Hours. Any hours worked that are in excess of a full-time employee's basic work week requirement of 80 hours of work in a pay period and that the employee elects to work during the flexible time band so as to vary the length of the work week.

f. Field Employee. An employee working somewhere other than an office location. District Supervisors, Assistant District Supervisors, biologists, and technicians are considered field employees.

g. Flexible Time Band. The period during which a full-time employee on a flexible work schedule (e.g., Maxiflex) may adjust working hours to meet the requirement of 80 hours worked during a pay period.

h. Holiday Pay. Part-time and full-time employees who perform non-overtime work on a holiday (or a day designated as the "in lieu of" holiday) are entitled to basic pay plus premium pay equal to basic pay for that holiday work up to 8 hours.

i. Maxiflex Tour of Duty. The Maxiflex tour of duty is a flexible schedule that allows the employee to vary the length of the workday or work week as long as the basic requirements of 80 hours per pay period are met.

j. Night Differential. Part-time and full-time employees are entitled to night pay (an additional 10 percent of the normal hourly rate) for regularly scheduled overtime and non-overtime work performed between the hours of 6:00 p.m. – 6:00 a.m.

k. Office Personnel. Employees reporting to an office location on a daily basis, including State Directors, Assistant State Directors and all other information technology, administrative, and clerical personnel.

l. Overtime Hours. The hours worked that are in excess of 8 hour days or 40 hour weeks that are officially ordered and approved in advance by management.

m. Sunday Differential. A full-time employee who performs regularly scheduled non-overtime work during the hours of 6:00 a.m. – 6:00 p.m. on Sunday is entitled to Sunday differential pay of an additional 25 percent of his or her normal hourly rate, not to exceed 8 hours. A full-time employee who performs regularly scheduled work before 6:00 a.m. and after 6:00 p.m. on Sunday is also entitled to night differential pay.

n. Time Bands. The Maxiflex tour of duty consists of a core time band and a flexible time band. The core time band is that portion of the workday when all employees must be present on the job unless they are granted prior approval from their supervisor to use leave, compensatory time, or are on an approved core time deviation. See definitions of core hours and flexible time band above.

o. Tour of Duty/Regularly Scheduled Hours of Work. The hours of a day (daily tour of duty) and the days of an administrative work week (weekly tour of duty) that constitute a regularly scheduled administrative work week. The employee is responsible for designating his or her tour and obtaining supervisory approval. This may be done either using MRP Form 346 or in memorandum format (template available through Headquarters, Regional, or National Wildlife Research Center (NWRC) offices.

5. OPERATING GUIDELINES

a. Administrative Work Week.

1. WS field personnel will operate under a 24 hour, 6 day a week Maxiflex tour to include Monday through Saturday. Work may be performed at any time during this flexible time band in order to meet the requirement of 80 hours per pay period; however, Sunday work must have prior approval from the employee's supervisor.
2. Established hours for WS office personnel (i.e., Headquarters, Regional, Center, State Offices, as well as information technology, administrative, and clerical personnel in field locations), will be from 6:00 a.m. to 6:00 p.m., Monday through Saturday. Work may be performed at any time during this flexible time band in order to meet the requirement of 80 hours per pay period; however, Saturday or Sunday work must have prior approval from the employee's supervisor.

b. Core Hours and Time Bands.

1. Core hours are the hours during a day when employees must be present for work unless they are on approved leave or core time deviation.
2. Core hours for WS field employees will be from 9:00 a.m. - 10:00 a.m., Wednesday.
3. Core hours for WS office personnel (i.e., Headquarters, Regional, Center, State Offices, as well as information technology, administrative, and clerical personnel in field locations) will be 9:00 a.m. to 3:00 p.m., Tuesday through Thursday.
4. Supervisors can designate additional core hours for both field or office personnel to fit program needs, but cannot make the number of core hours less restrictive (e.g., core hours for office personnel could not be from 10:00 a.m. to 2:00 p.m., but could be from 8:00 a.m. to 4:00 p.m.).
5. Supervisors desiring to further restrict the core time band (i.e., expand or increase hours) must communicate the changes to their employees by way of memorandum.
6. Supervisors should be aware that differential pay is required for core time periods that exists between 6:00 p.m. to 6:00 a.m. Please see the differential pay information

below for more details.

WS Field Employees Under 24-Hour Maxiflex		
Flexible Time Bands	Core Time Bands	Credit Hours
Monday - Saturday	Wednesday 9 am to 10 am. Supervisors may expand the core time bands, but they may not further restrict them. Expansions must be done in writing, before the beginning of a pay period and prior to implementation.	Are earned during the flexible time bands after an employee has been in a paid status for 80 hours (includes work time and paid leave). Supervisors may establish local written policy further restricting the earning and using of credit hours.

c. Night Differential Pay.

1. Night differential pay is a 10 percent differential paid to employees (full-time, part-time, GS and AD) who are regularly scheduled to work after 6 p.m., before 6 a.m., on regular time, or on regularly scheduled overtime.
2. Night differential is not paid for irregular/occasional overtime work performed between the hours of 6 p.m. and 6 a.m.
3. Under Maxiflex, night differential must be paid if that is the only time the work may be performed. If this is known prior to the administrative work week, then the night differential must be scheduled and paid.
4. If, during an administrative work week, the night work occurs under regular time and not overtime, and it may only be performed at night, then the night differential must also be paid.
5. Night differential is not required when: (i) an employee elects to work outside of the 6:00 a.m. – 6:00 p.m. time band for personal preference and there are 8 or more hours available to work during daytime hours; or (ii) an employee is an intermittent employee who has no prearranged tour.

Rule of Thumb:	
If work can only be performed during night differential hours ...	Then the employee is entitled to night differential pay.
If there are 8 hours during 6 a.m. – 6 p.m. when work can be performed ...	The employee is not entitled to night differential pay.
Examples: If an employee must work from 8 p.m. – 10 p.m. to take deer at an airport due to sensitivity issues with the public, the employee is entitled to night differential pay. If an employee elects to work from 4 a.m. – 12:30 p.m. because he or she does not prefer to work during hours when the weather is hotter or more humid, yet the work can be performed during daytime hours, then the employee is not entitled to differential pay.	

d. Sunday Differential Pay.

1. In normal circumstances where Sunday is designated as a non-workday, employees performing official duties on a Sunday, which is ordered and approved by the supervisor, must be compensated with either overtime pay or compensatory time. Note: Compensatory time may only be substituted for overtime pay, and may not be granted in lieu of differential pay.

2. In approved situations where Sunday is a scheduled workday, the employee is entitled to a 25 percent pay differential, not to exceed 8 hours.

3. Employees are also entitled to a 10 percent night differential on Sunday outside the hours of 6:00 a.m. to 6:00 p.m. for regularly scheduled work.

4. Sunday differential pay applies only to full-time employees, both GS and AD, and does not apply to part-time or intermittent employees.

Rule of Thumb:	
If Sunday is part of a regularly scheduled tour (e.g., Sunday – Thursday) and the employee is scheduled to work ...	Then the employee is entitled to Sunday differential pay.
If Sunday is not part of a regularly scheduled tour (e.g., Monday – Friday) ...	Then the employee is not entitled to Sunday differential pay, but rather overtime pay or compensatory time.

e. Holiday Pay. Employees may not work on official holidays unless granted prior approval by their supervisor. In this circumstance, employees who perform official duties on holidays must be compensated with holiday pay (MRP Human Resource Desk Guide 4610/4550). Holiday pay is paid at twice the hourly rate of pay for up to 8 hours of work.

f. Required Meal Breaks. Employees must take an unpaid meal break sometime around the midpoint of the workday. The length of the meal period may vary from day to day,

but cannot be less than 30 minutes. Exceptions to the meal period requirement may only be made when an employee works 5 hours or less on a given day (i.e., the employee either needs 5 hours or less to complete their 80-hour requirement or takes leave to cover the rest of the day).

g. Earning Compensatory Time. Compensatory time is granted in lieu of overtime pay. The maximum amount of compensatory time approved is 56 hours for field employees and 16 hours for office personnel (CTOT (see Section 5(1)) is not included within the maximum amount of compensatory time which may be accrued.) These hours are in addition to 24 credit hours allowed under the Maxiflex tour. Additional compensatory time may be granted with approval from appropriate Regional (Assistant Regional Directors), NWRC (Assistant Director), or Headquarters (Operational Support Staff Director) supervisors. Accrual of compensatory time will not be approved in a pay period when annual or sick leave was taken unless the number of additional hours worked are in excess of the annual or sick leave taken, and only then will the net difference be considered compensatory time (e.g., if an employee initially utilizes 8 hours of annual/sick leave, but then works 10 additional hours beyond their regular tour of duty during the pay period, 8 of the 10 additional hours will offset the initial 8 hours of annual/sick leave and 2 hours of compensatory time may be accrued.)

h. Using Compensatory Time. Employees must take compensatory time before they take annual leave unless taking compensatory time would result in the forfeiture of annual leave. Accumulated compensatory time that has been authorized must be used within 26 pay periods from the pay period it was earned. If it is not used within this time frame, it must be paid out at the overtime rate in effect when you earned the compensatory time. Supervisors should ensure that employees use compensatory time as soon as possible after it is earned.

i. Religious Compensatory Time. An employee whose personal religious beliefs require the abstention from work during certain periods of time may request to earn religious compensatory time for time lost for meeting religious requirements.

j. Earning Credit Hours. Credit hours are earned under maxiflex schedules, and are distinguished from overtime hours (and compensatory time) in that they do not constitute overtime work. Credit hours are worked at the employee's option. Credit hours may be earned for hours worked during the flexible time band only after the employee has completed the basic work requirement of 80 hours (for full-time employees) for the pay period. All full-time WS employees may accrue a maximum of 24 credit hours. Part-time employees are limited to earning one-fourth of the total scheduled work hours per pay period. The maximum amount of credit hours allowed to be carried over from one pay period to the next is 24. A supervisor may establish written guidelines for earning/using credit hours.

Rule of Thumb: (office personnel)	
Employee works between 6:00 am and 6:00 pm and has not accrued 80 hours for the pay period.	This time is regular hours earned.
Employee works between 6:00 pm and 6:00 am (regardless of hours accrued).	This time is either compensatory time or overtime, not credit hours.
Examples: On Friday, an employee realizes that he/she will not finish an important project by Monday morning. He/she asks the supervisor if he/she can come in to work on Saturday and earn credit hours. The supervisor approves the request. The employee reports to work on Saturday and works from 9 a.m. to 12 noon. The employee may earn credit hours since Saturday is part of the flexible time band. In order to pay an employee overtime or give him/her compensatory time off for these hours, the supervisor and the appropriate official must have ordered and approved the employee to work overtime on Saturday; the employee then must be paid overtime or compensatory time.	

k. Using Credit Hours. An employee has the right to use earned credit hours in a subsequent pay period subject to the supervisor's authority to approve the time at which it may be used. An employee also may earn and use credit hours in the same pay period, with supervisory approval. Credit hours are to be counted as a part of the basic work requirement to which they are applied. Credit hours remain on the books until an employee is no longer subject to a maxiflex schedule. At that time, the employee will be paid at their current rate of basic pay for: not more than 24 credit hours accumulated by a full-time employee; or, not more than one-fourth of the hours in a part-time employee's biweekly basic work requirement. A supervisor may establish written guidelines for earning/using credit hours.

l. CTOT.

1. CTOT grants time off for travel time while within travel status that is not otherwise compensable. In other words, it allows employees to earn comp time for time spent actually traveling for official purposes. CTOT must be used within 26 pay periods beginning in the pay period in which it is credited to the National Finance Center system, otherwise the time is forfeited. In situations where an employee has attempted, in writing, to schedule earned CTOT but it was not granted due to an exigency of the public business, your supervisor may request an additional 26 pay period extension.

2. Travel status includes: traveling to/from a temporary duty site; traveling between two temporary duty stations; the customary waiting time before travel required for baggage check and security clearance (i.e., usually 1 hour for domestic flights and 2 hours for international flights); and the usual waiting time that interrupts travel (e.g., layovers).

3. Travel time is calculated based on the time zone the traveler leaves, e.g., if flying

from Washington, D.C. (Eastern Standard Time [EST]) to Sacramento, California, calculate CTOT time based on EST.

4. GS/GM/AD employees are eligible to earn CTOT, regardless of Fair Labor Standards Act status. Members of the Senior Executive Service are not eligible.

5. CTOT is accrued separately from regular compensatory time, and is not subject to the maximum amount of compensatory time accrual approved for field employees and office personnel (see Section 5(g)).

6. RESPONSIBILITIES

Supervisors may limit payment of overtime or accrual of compensatory time to less than 56 hours for field and 16 hours for office personnel to fit individual program needs. It is permissible to have the employee sign a statement indicating that they are requesting to earn compensatory time in lieu of overtime pay. The request must be made in writing to their supervisor annually. If an employee requests overtime pay instead of compensatory time, supervisors have the option to either pay the employee overtime pay or restrict the employee from working overtime.

If an employee requests work for religious requirements and this does not interfere with the efficient accomplishment of the WS mission, the supervisor shall in each instance afford the employee the opportunity to earn religious compensatory time and shall in each instance grant religious compensatory time off.

All WS employees are responsible for providing their timekeeper with a written or electronic record, which has been signed by the employee and initialed by the supervisor, indicating the actual clock hours and the total number of hours worked each pay period. This is a requirement for employees on the Maxiflex tour of duty schedule. This record should include a beginning and ending time each day, along with a documented meal break (in accordance with the timekeeping requirements of the Government Accountability Office). Time and attendance and meal breaks should be reported to the timekeeper using either the MRP Form 345-R, Time and Attendance Log (October 2001), or WS Form 29, Time and Attendance Report. It is permissible to verbally report the number of hours worked each pay period to the timekeeper. However, a written or electronic record must be submitted within 2 weeks from the day the time was verbally reported.

7. INQUIRIES

If needed, employees requiring further guidance or clarification on the directive's policy beyond that of their immediate supervisor may contact their respective Regional, NWRC, or Operational Support Staff administrative personnel. Inquiries on hours of duty and time and attendance reporting should first be directed to the timekeeper.

8. REFERENCES

MRP Form 345-R,

(<http://www.aphis.usda.gov/mrpbs/downloads/forms/mrp/mrp345.pdf>).

MRP Form 346,

(<http://www.aphis.usda.gov/mrpbs/downloads/forms/aphis/aphis346.pdf>).

MRP Human Resources Desk Guide, Subchapters 4550 (05/2007),

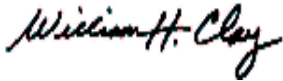
(http://www.aphis.usda.gov/mrpbs/publications/hr_desk_guide/4550/index.shtml).

MRP Human Resources Desk Guide, Subchapters 4610 (01/2007),

(http://www.aphis.usda.gov/mrpbs/publications/hr_desk_guide/4610/index.shtml).

MRP Human Resources Desk Guide, Subchapters 4630 (06/2007),

(http://www.aphis.usda.gov/mrpbs/publications/hr_desk_guide/4630/index.shtml).

A handwritten signature in black ink, reading "William H. Clay". The signature is written in a cursive style with a large, stylized "W" and "C".

Deputy Administrator